

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC., PRODUCTS LIABILITY)
LITIGATION)
) MDL No.: 2419
) Master Docket No.: 1:13-md-2419-FDS
_____)
THIS DOCUMENT RELATES TO:)
)
)
All Actions Against Specialty Surgery Center)
And Dr. Kenneth Lister)
_____)

**DECLARATION OF BENJAMIN A. GASTEL IN SUPPORT OF PLAINTIFFS’
STEERING COMMITTEE’S MOTION FOR DISBURSEMENT OF SPECIALTY
SURGERY CENTER QUALIFIED SETTLEMENT FUND
ADMINISTRATIVE EXPENSES**

Benjamin A. Gastel declares, under penalty of perjury on the date identified below, as follows:

1. I am an attorney at Branstetter, Stranch & Jennings, PLLC, and our firm sits on the Plaintiffs’ Steering Committee (“PSC”) in the above-styled lawsuit (the “MDL”). I submit this declaration in support of the contemporaneously filed Plaintiffs’ Steering Committee’s Motion for Disbursement of Specialty Surgery Center Qualified Settlement Fund Administrative Expenses (“Motion”).

2. The PSC files the Motion in the hopes of lessening the administrative expense burden as it relates to administering the settlement fund created through the Master Settlement Agreement (the “Specialty Surgery Center Settlement”) related to the cases naming Specialty Surgery Center, PLLC.

3. To administer the fund, the PSC has hired Dan Balhoff to perform the tasks associated with administering the claims process. This work includes 1) creating a matrix for allocation of the Specialty Surgery Center Settlement Fund; 2) collecting and reviewing

individual claimant submissions for allocation of points pursuant to the matrix; and 3) making a final award determination for each individual claimant to be used in allocating the monies from the Specialty Surgery Center Settlement. Mr. Balhoff agreed to be compensated \$10,000.00 to complete this work. In November of 2017 Mr. Balhoff began his work as the Claims Administrator and in the near future will solicit claim forms from eligible plaintiffs.

4. In addition to the Claims Administrator, a payment administrator and escrow agent was needed to administer the Specialty Surgery Center Settlement. The PSC hired Epiq Systems, Inc. ("Epiq") as the escrow agent given its familiarity with the claimants and the present litigation (Epiq had previously acted as Settlement Administrator with regard to the NECC Tort Trust claims process and payment administrator/escrow agent with regard to the Saint Thomas Settlement Fund). Epiq has provided, or will provide, the following services: 1) set up and establish the escrow account with the bank holding the funds; 2) aid in the payment of individual awards to individual claimants by cutting checks and mailing checks to individual claimants; 3) aid in lien clearance and help ensure that claimants have satisfied certain lien obligations prior to payments to individual claimants; and 4) fields questions and emails from claimants and claimants' counsel on status of payment, lien resolution, and administration. Epiq agreed to fulfill this work for a flat rate of \$9,840.00.

Executed on this 8th day of December, 2017 in Nashville, Tennessee.

/s/ Benjamin A. Gastel

Benjamin A. Gastel